

AUTHORIZING PRINTING OF A DOCUMENT ENTITLED "COMMITTEE ON THE BUDGET, U.S. SENATE, 32ND ANNIVERSARY, 1974 THROUGH 2006"

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 554, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 554) authorizing printing for illustration of a document entitled "Committee on the Budget, U.S. Senate, 32nd anniversary, 1974 through 2006."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 554) was agreed to, as follows:

S. RES. 554

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on the Budget, United States Senate, 32nd Anniversary, 1974-2006", and that, in addition to the usual number, there be printed not to exceed 500 copies of such document at a cost of not to exceed \$1,200 for the use of the Committee on the Budget.

AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 555, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 555) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from various law enforcement and regulatory agencies seeking access to records that the subcommittee obtained during its recent investigation into the use of offshore tax havens for abusive tax shelters.

This resolution would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to these requests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 555) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has been conducting an investigation into the use of offshore tax havens for abusive tax shelters;

Whereas, the Subcommittee has received a number of requests from law enforcement officials, and regulatory agencies, for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into the use of offshore tax havens for abusive tax shelters.

SUPPORTING THE CONTINUED ADMINISTRATION OF CHANNEL ISLANDS NATIONAL PARK, INCLUDING SANTA ROSA ISLAND

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 553, S. Res. 468.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 468) supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 468) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 468

Whereas Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Act of June 8, 1906 (16 U.S.C. 431 note);

Whereas the Monument was expanded to include additional islands and redesignated as Channel Islands National Park in 1980 to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in California;

Whereas Santa Rosa Island was acquired by the United States in 1986 for approximately \$29,500,000 for the purpose of restoring the native ecology of the Island and making the Island available to the public for recreational uses;

Whereas Santa Rosa Island contains numerous prehistoric and historic artifacts and provides important habitat for several threatened and endangered species;

Whereas under a court-approved settlement, the nonnative elk and deer populations are scheduled to be removed from the Park by 2011 and the Island is to be restored to management consistent with other National Parks; and

Whereas there have been recent proposals to remove Santa Rosa Island from the administration of the National Park Service or to direct the management of the Island in a manner inconsistent with existing legal requirements and the sound management of Park resources: Now, therefore, be it

Resolved, That—

(1) Channel Islands National Park, including Santa Rosa Island, should continue to be administered by the National Park Service in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and other applicable laws;

(2) the National Park Service should manage Santa Rosa Island in a manner that ensures that—

(A) the natural, scenic, and cultural resources of the Island are properly protected, restored, and interpreted for the public; and

(B) visitors to the Park are provided with a safe and enjoyable Park experience; and

(3) the National Park Service should not be directed to manage Santa Rosa Island in a manner—

(A) that would result in the public being denied access to significant portions of the Island; or

(B) that is inconsistent with the responsibility of the National Park Service to protect native resources within the Park, including threatened and endangered species.

REAUTHORIZING THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3836, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3836) to reauthorize the United States Advisory Commission on Public Diplomacy.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3836) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Advisory Commission on Public Diplomacy Reauthorization Act of 2006”.

SEC. 2. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553), as amended by section 410 of the Department of State and Related Agency Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2327), is amended by striking “October 1, 2006” and inserting “October 1, 2009”.

EXECUTIVE SESSION

CONVENTION ON SUPPLEMENTARY COMPENSATION ON NUCLEAR DAMAGE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today’s Executive Calendar: No. 15. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to, as applicable; that any statements be printed in the CONGRESSIONAL RECORD, as if read; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, and the President be notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

Resolved, (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATION AND CONDITION.

The Senate advises and consents to the ratification of the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997 (Treaty Doc. 107–21), subject to the declaration in section 2, and the condition in section 3.

SECTION 2. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

As provided for in paragraph 3 of Article XVI, the United States of America declares that it does not consider itself bound by either of the dispute settlement procedures

provided for in paragraph 2 of that Article, but reserves the right in a particular case to agree to follow the dispute settlement procedures of the Convention or any other procedures.

SECTION 3. CONDITION.

The advice and consent of the Senate under section 1 is subject to the following condition:

Not later than 180 days after entry into force of the Convention for the United States, and annually thereafter for four additional years, the Secretary of State shall submit a report to the Committees on Energy and Natural Resources and Foreign Relations of the Senate, and the Committees on Energy and Commerce and International Relations of the House of Representatives that includes the following:

(a) RATIFICATION.—A list of countries that have become a Contracting Party to the Convention and the dates of entry into force for each country.

(b) DOMESTIC LEGISLATION.—A description of the domestic laws enacted by each Contracting Party to the Convention that implement the obligations under Article III of the Convention.

(c) U.S. DIPLOMACY.—A description of United States diplomatic efforts to encourage other nations to become Contracting Parties to the Convention, particularly those nations that have signed it.

COUNCIL OF EUROPE CONVENTION ON CYBERCRIME

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following treaty on today’s Executive Calendar: No. 5. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any committee conditions, declarations, or reservations be agreed to, as applicable; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that when the resolution of ratification is voted on, the motion to reconsider be laid upon the table, the President be notified of the Senate’s action, and that following disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification reads as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO RESERVATIONS AND DECLARATIONS

The Senate advises and consents to the ratification of the Council of Europe Convention on Cybercrime (“the Convention”),

signed by the United States on November 23, 2001 (T. Doc. 108 11), subject to the reservations of section 2, and the declarations of section 3.

SECTION 2. RESERVATIONS

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the United States instrument of ratification:

(1) The United States of America, pursuant to Articles 4 and 42, reserves the right to require that the conduct result in serious harm, which shall be determined in accordance with applicable United States federal law.

(2) The United States of America, pursuant to Articles 6 and 42, reserves the right not to apply paragraphs (1)(a)(i) and (1)(b) of Article 6 (“Misuse of devices”) with respect to devices designed or adapted primarily for the purpose of committing the offenses established in Article 4 (“Data interference”) and Article 5 (“System interference”).

(3) The United States of America, pursuant to Articles 9 and 42, reserves the right to apply paragraphs (2)(b) and (c) of Article 9 only to the extent consistent with the Constitution of the United States as interpreted by the United States and as provided for under its federal law, which includes, for example, crimes of distribution of material considered to be obscene under applicable United States standards.

(4) The United States of America, pursuant to Articles 10 and 42, reserves the right to impose other effective remedies in lieu of criminal liability under paragraphs 1 and 2 of Article 10 (“Offenses related to infringement of copyright and related rights”) with respect to infringements of certain rental rights to the extent the criminalization of such infringements is not required pursuant to the obligations the United States has undertaken under the agreements referenced in paragraphs 1 and 2.

(5) The United States of America, pursuant to Articles 22 and 42, reserves the right not to apply in part paragraphs (1)(b), (c) and (d) of Article 22 (“Jurisdiction”). The United States does not provide for penary jurisdiction over offenses that are committed outside its territory by its citizens or on board ships flying its flag or aircraft registered under its laws. However, United States law does provide for jurisdiction over a number of offenses to be established under the Convention that are committed abroad by United States nationals in circumstances implicating particular federal interests, as well as over a number of such offenses committed on board United States-flagged ships or aircraft registered under United States law. Accordingly, the United States will implement paragraph (1)(b), (c) and (d) to the extent provided for under its federal law.

(6) The United States of America, pursuant to Articles 41 and 42, reserves the right to assume obligations under Chapter II of the Convention in a manner consistent with its fundamental principles of federalism.

SECTION 3. DECLARATIONS

(1) The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(a) The United States of America declares, pursuant to Articles 2 and 40, that under United States law, the offense set forth in Article 2 (“Illegal access”) includes an additional requirement of intent to obtain computer data.

(b) The United States of America declares, pursuant to Articles 6 and 40, that under United States law, the offense set forth in paragraph (1)(b) of Article 6 (“Misuse of devices”) includes a requirement that a minimum number of items be possessed. The